

CENTRAL VALLEY FLOOD PROTECTION BOARD
September 19, 2008

Property Management: Consent Calendar Item No. 6R.

SUBJECT:

Cache Creek Setback Levee, Levee Mile 1.1, Cervantes (*Linus Paulus*)

Consider actions to correct an error discovered in the legal description of a grant deed executed to the Central Valley Flood Protection Board. Corrective actions include executing a quitclaim deed from the Central Valley Protection Board to Andres and Maria Cervantes for Parcel No. 13594, Unit A and executing a grant deed from Andres and Maria Cervantes for Parcel No. 13722.

LOCATION:

The property is located at Levee Mile 1.1 on the north bank of Cache Creek, near the terminus of County Road 97B, approximately one mile southwest of Interstate 5, in Yolo County.

REQUEST:

- Approve the execution of the quitclaim deed and the grant deed

STAFF RECOMMENDATION: Approval

JUSTIFICATION:

- No monetary consideration is included in this transaction.
- Approval of this transaction will remove the temporary construction easements from recorded title.
- The execution of the documents corrects an error in the legal description of the original grant deed.
- Approval of these transactions will allow for the issuance of access easements over the relocated access road based upon the newly recorded easements with correct legal descriptions.
- Granting the outstanding access easements will complete project activities at this site.

PREVIOUS BOARD ACTION:

None

Background

The Central Valley Flood Protection Board purchased 0.87 acres in fee simple, and 2.16 acres of temporary construction access easements (CVFPB Parcel No. 13594, Units A and B) for the construction of a setback levee as part of the Cache Creek Erosion Damage Repair Project, Levee Mile 1.1.

The erosion repair site was one of the twenty-four critical erosion sites identified in Governor Schwarzenegger's February 2006 Declaration of a State of Emergency. The setback levees constructed under the Cache Creek contract was the second of the twenty-four critical erosion sites completed during 2006.

Construction began at this site on August 19, 2006 and was completed September 15, 2006. Escrow closed on Parcel No. 13594 on April 25, 2007. While reviewing files regarding neighboring landowners, DWR Cadastral Surveys and Land Records staff discovered an error in the recorded deed for Parcel No. 13594. To correct the legal description error, DWR staff has prepared a quitclaim deed and a new grant deed with a revised legal description. All temporary construction easements would be quitclaimed to the grantor as well.

After executing the quitclaim deed for Parcel No 13594 and recording the new grant deed for Parcel No. 13722, DWR can proceed with granting easement deeds to all the neighboring landowners affected by the relocation of the private driveway required by the construction of the setback levee at Levee Mile 1.1.

ATTACHMENTS:

Quitclaim Deed
Grant Deed
Vicinity Map
Photographs of access road

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

DEPARTMENT OF WATER RESOURCES

Division of Engineering
Real Estate Branch
1416 9th Street, Room 425
Sacramento, CA 95814

SPACE ABOVE THE LINE FOR RECORDER'S USE

QUITCLAIM DEED

EMERGENCY LEVEE REPAIRS 2006
Project CACHE CREEK NORTH LEVEE REPAIR

Parcel No. 13594 A, & B
196-G, 3-2796

The SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, acting by and through The Central Valley Flood Protection Board of the STATE OF CALIFORNIA, does hereby release and quitclaim to **ANDRES AND MARIA CERVANTES** all right, title and interest in and to the hereinafter described real property:

All of Parcels 13594-A, and 13594-B lying in Sections 12 & 13, Township 10 North, Range 1 East, M.D.M., County of Yolo, State of California, conveyed to the SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT in that Grant Deed recorded April 25, 2007, in Document number 2007-0015194-00 , Official Records of said County.



State of California
The Resources Agency
Department of Water Resources
THE CENTRAL VALLEY FLOOD
PROTECTION BOARD

Parcel No. 13594 A & B

Executed this _____ day _____, of 20 _____

SACRAMENTO AND SAN JOAQUIN DRAINAGE
DISTRICT, acting by and through The Central Valley
Flood Protection Board of the State of California.

By _____
President

By _____
Secretary

Approved as to Legal Form

Signed and delivered in the presence of:

Counsel, The Central Valley Flood Protection Board

STATE OF CALIFORNIA }

SS

County of _____

On _____, 20 _____, before me, _____

personally appeared _____ who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal

[SEAL]

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

DEPARTMENT OF WATER RESOURCES

Division of Land and Right of Way

Real Estate Branch

1416 9th Street, Room 425

Sacramento, California 95814

SPACE ABOVE THE LINE FOR RECORDER'S USE

GRANT DEED

(Individual)

Project EMERGENCY LEVEE REPAIRS 2006
CACHE CREEK SITE 2

Parcel No. 13722
196-G

**ANDRES CERVANTES AND MARIA CERVANTES,
HUSBAND AND WIFE, AS JOINT TENANTS,**

hereinafter referred to as Grantor, grants to the SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, acting by and through The Central Valley Flood Protection Board, a public agency, all that real property in the County of Yolo, State of California, more particularly described as follows:

All that real property lying in projected Sections 12 & 13, Township 10 North, Range 1 East, M.D.M., County of Yolo, State of California, being a portion of the lands conveyed to Andres and Maria Cervantes in that Grant Deed recorded April 15, 2003, in Document No. 2003-0022075-00, Official Records of said County, described as follows:

PARCEL 13722

Beginning at a point lying on the Southerly boundary of the lands of the Grantor also being the North line of Lot 6 as shown on The Map Showing Subdivision of the Parrish Estate, recorded November 3, 1913, in Book 3 of Maps, Page 5, Official Records of said County, said Point of Beginning also lying on the Southerly boundary of lot F-2 as shown on the Record of Survey of Dora Woodard Lands, recorded November 8, 1916, in Book 4 of Maps and Surveys, page 34, said Point of Beginning also lying on the landside right of way of the lands conveyed to the SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT described as Parcel A in that Deed 2738, recorded September 2, 1960 in Book 614, Page 86, Official Records of said County, said Point of Beginning bears South 73° 05' 50" East 1350.99 feet from a found gaspipe set in concrete at the Northwest Corner of the said Lot 6 as shown on said Subdivision Map, said point of beginning also bears North 60° 45' 30 West 3177.72 feet from a found California Department of Transportation Survey Disk stamped "HPGN CA 03 08";

THENCE FROM SAID POINT OF BEGINNING, along the common boundary of said Lot 6 and said Lot F-2 North 71° 49' 29" West 26.29 feet to a point on the East line of North Avenue, having a width of 27 feet as shown on said Subdivision Map;

thence leaving said common boundary along said East line, South 19° 25' 31" West 15.00 feet, to a point on the projected centerline of the East-West portion of said North Avenue having a width 30 feet, said North Avenue abandoned by Order of the Board of Supervisors of said County, June 4, 1923, recorded in Book P of Supervisor's Minutes, Page 257, Official Records of Said County, said projected centerline also being the Northerly boundary of said Lot 6 upon abandonment of said North Avenue;

thence leaving said East line, along said projected centerline and said Northerly boundary, North 71° 49' 29" West 284.20 feet;

thence leaving said projected centerline and said Northerly boundary the following three (3) courses:

- (1) South 15.79 feet, to the South line of the abandoned said North Avenue;
- (2) along said South line, South 71° 49' 29" East, 74.48 feet; and
- (3) leaving said South line, South 25° 58' 04" West 320.41 feet, to the landside right of way of the lands conveyed to the SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT described as Parcel B in Deed 2756, recorded May 17, 1960, in Book 605, Page 277, Official Records of said County;

thence along said landside right of way line the following two (2) courses

- (1) North 50° 47' 50" East 121.47 feet; and
- (2) North 58° 40' 30" East 322.38 feet, to the Point of Beginning.

Containing 0.80 Acre, more or less.

Bearings and Distances used in the above description are based on the California Coordinate System, Zone II, CCS 83 (1991.35). Distances shown herein are grid, to convert to ground, multiply by 1.0000645



State of California
The Resources Agency
Department of Water Resources
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

Grantor, for himself, his successors and assigns, hereby waives any claims for any and all damages which will accrue to the remaining property of grantor by reason of its severance from that portion granted herein and the construction of the improvement in the manner presently proposed.

Executed on

July 21, 2008Maria A. CervantesAndrés Cervantes

GRANTOR(S)

STATE OF CALIFORNIA }

SS

County of

YoloOn July 21, 2008, before me, Olivia S. Guebara, Notary Public

personally appeared Maria & Andrés Cervantes who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal



[SEAL]

Olivia S. Guebara

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

This is To Certify, That the real property or interests therein described in the within deed to the SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, acting by and through The Central Valley Flood Protection Board of the State of California, a public agency, is hereby accepted on behalf of the grantee.

Dated _____, 20 ____.

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

By _____

(Title)

DEPARTMENT OF WATER RESOURCES

121° 48' 45.00" W

121° 48' 40.00" W

121° 48' 35.00" W

038° 43' 25.00" N

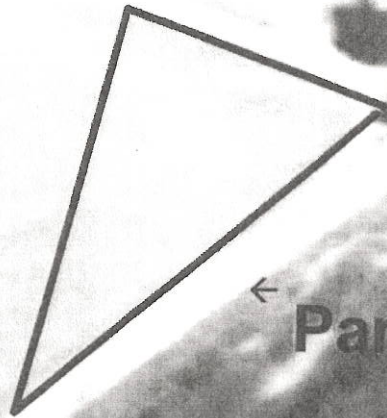
038° 43' 20.00" N

038° 43' 15.00" N

038° 43' 25.00" N

038° 43' 20.00" N

038° 43' 15.00" N



← Parcel No. 13594, Unit

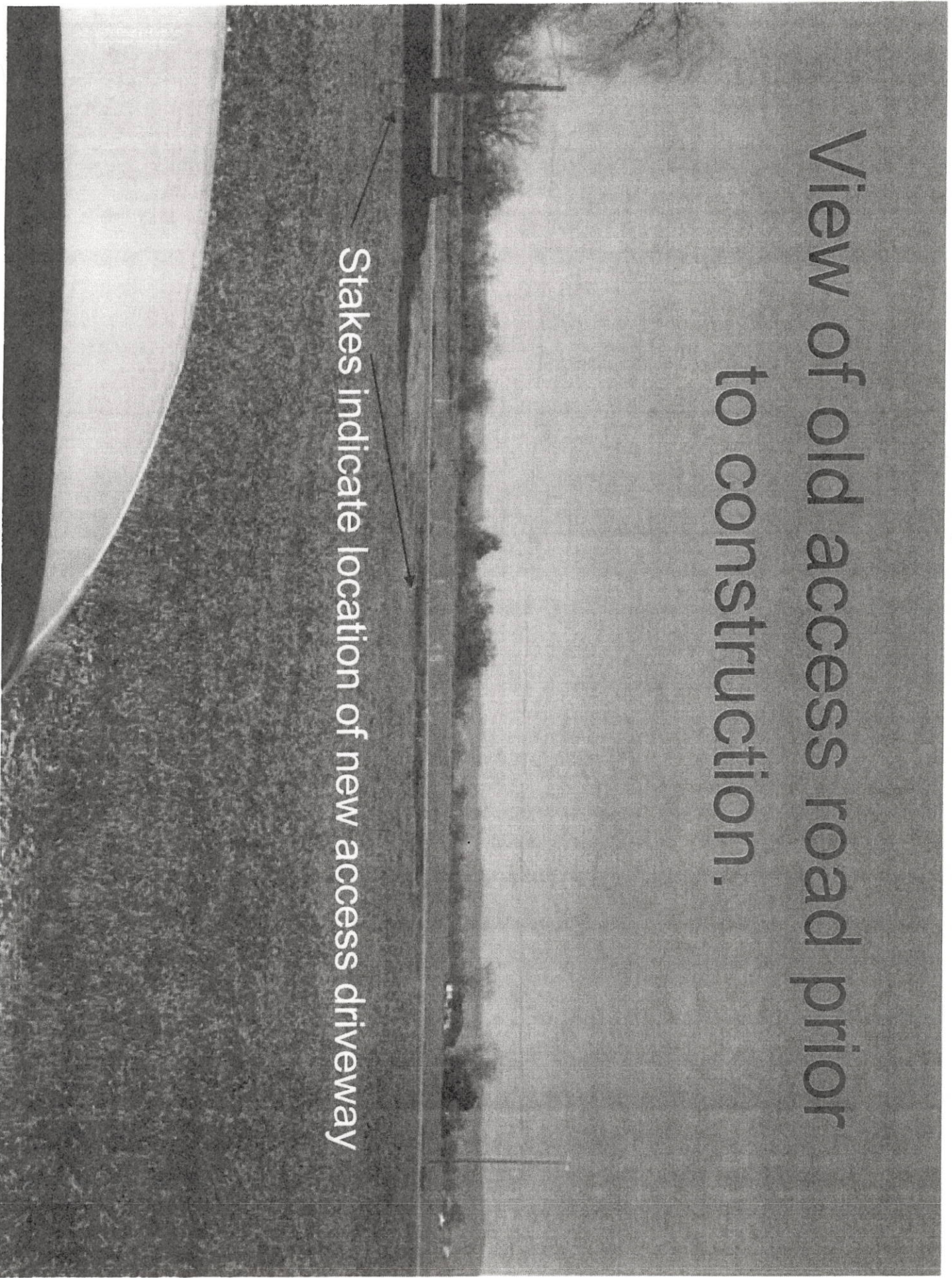
121° 48' 45.00" W

121° 48' 40.00" W

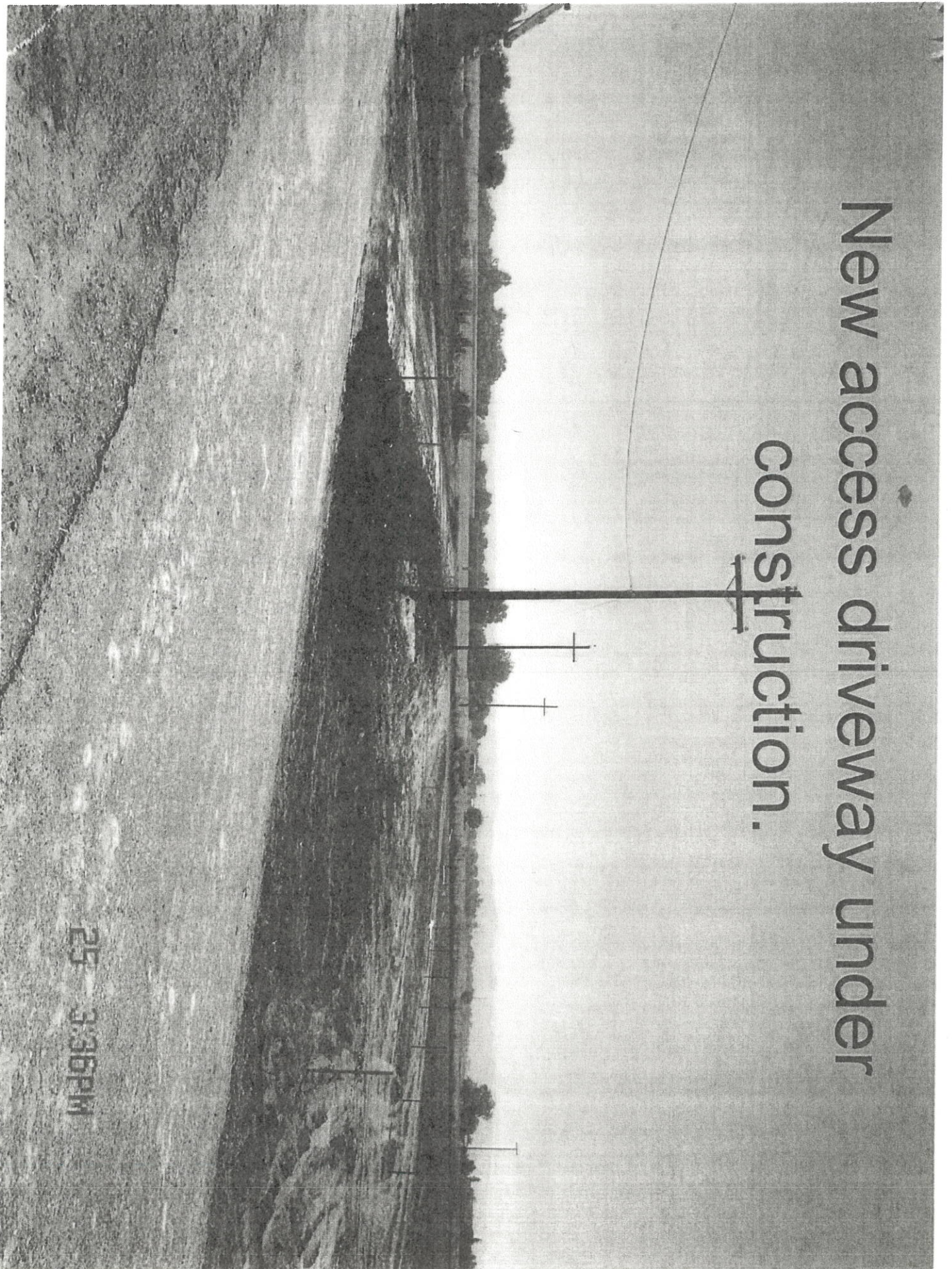
121° 48' 35.00" W

View of old access road prior to construction.

Stakes indicate location of new access driveway



New access driveway under
construction.



25 3:36PM

Completed access driveway and turnaround at end of County Road 97B.

New access driveway

18 1:14PM

